

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

In re EN POINTE TECHNOLOGIES, INC.)	Master Case No. 01-CV-00205 BEN (AJB)
SECURITIES LITIGATION)	
_____)	ORDER RE: DISTRIBUTION OF
This Document Relates To:)	CLASS SETTLEMENT FUND
ALL ACTIONS)	
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_____)	

WHEREAS, on September 29, 2006, this Court entered an Order and Final Judgment approving the terms of the Stipulation and Agreement of Settlement dated June 26, 2006 (the “Stipulation”) and the Plan of Allocation; and

WHEREAS, this Court has directed the parties to consummate the terms of the Stipulation and the Plan of Allocation; and

WHEREAS, this Court has retained jurisdiction of the above-captioned action (the “Action”) for the purpose of considering any further application or matter which may arise in connection with the administration and execution of the Settlement and the processing of Proof of Claim forms (“Proof of Claim”) and the distribution of the Net Settlement Fund to the Authorized Claimants.

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2 **NOW, THEREFORE**, upon reading and filing the Affidavit of Lara McDermott of Gilardi
3 & Co. LLC, the Claims Administrator, and the Declaration of James C. Krause, and after due
4 deliberation, it is hereby

5 **ORDERED**, that the administrative determinations of the Claims Administrator accepting
6 the claims as indicated on the computer printout of accepted claims submitted with and described
7 in the Affidavit of Lara McDermott, including claims submitted after October 30, 2006, through
8 and including October 10, 2007, be and the same hereby are approved, and said claims are hereby
9 accepted; and it is further

10 **ORDERED**, that the administrative determinations of the Claims Administrator rejecting
11 the claims as indicted on the computer printout of rejected claims submitted with and described in
12 the Affidavit of Lara McDermott be the same hereby are approved, and said claims are hereby
13 rejected; and it is further

14 **ORDERED**, that Gilardi & Co. LLC be paid the sum of \$20,621.00 from the Settlement
15 Fund for its fees and expenses incurred and to be incurred in connection with services performed
16 and to be performed with respect to the taxation of the Settlement Fund herein for the years 2006
17 – 2007; and it is further

18 **ORDERED**, that the balance of the Settlement Fund after deducting the payments previously
19 allowed and set forth herein (the “Net Settlement Fund”) shall be distributed to the eligible claimants
20 listed on the computer printout submitted with the Affidavit of Lara McDermott in proportion to the
21 Recognized Claim allocable to each such eligible claimant as shown on such printout; and it is
22 further

23 **ORDERED**, that the payments to be distributed to the Authorized Claimants shall bear the
24 notation “CASH PROMPTLY, VOID AND SUBJECT TO RE-DISTRIBUTION 180 DAYS
25 AFTER ISSUE DATE.” Plaintiffs’ Co-Lead Counsel and the Claims Administrator are authorized
26 to take appropriate action to locate and or contact any eligible claimant who has not cashed his, her
27 or its distribution within said time; and it is further
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1 **ORDERED**, that the costs of such services to locate and reissue payments to such
2 Authorized Claimants shall be payable from the unclaimed/uncashed monies remaining in the Net
3 Settlement Fund; and it is further

4 **ORDERED**, that, as provided in the Plan of Allocation previously approved by the Court,
5 one year after the distribution of the Net Settlement Fund to eligible claimants and after reasonable
6 and diligent efforts have been made to have the eligible claimants cash their distributions, Plaintiffs'
7 Co-lead Counsel are authorized to distribute any funds remaining in the Net Settlement Fund by
8 reason of returned or unpaid distributions or otherwise, to eligible claimants who have cashed their
9 distributions, provided that they would receive at least \$5.00 on such re-distribution based on their
10 Recognized claims, after payment of any unpaid costs or fees incurred in administering the Net
11 Settlement Fund for such re-distribution. If after six months after such re-distribution any funds
12 shall remain in the Net Settlement Fund, then such balance shall be contributed to non-sectarian,
13 not-for-profit, 501 (c)(3) organization(s) designated by Plaintiffs' Co-Lead Counsel; and it is further

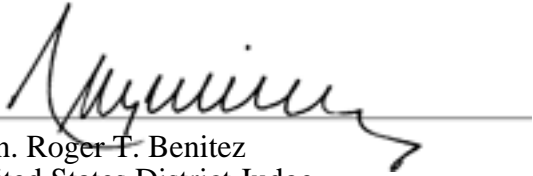
14 **ORDERED**, that all persons involved in the review, verification, calculation, tabulation, or
15 any other aspect of the processing of the claims submitted herein, or otherwise involved in the
16 administration or taxation of the Settlement Fund or the Net Settlement Fund are released and
17 discharged from any and all claims arising out of such involvement, and all Class Members, whether
18 or not they are to receive payment from the Net Settlement Fund are barred from making any further
19 claim against the Net Settlement Fund or the released persons beyond the amount allocated to them
20 pursuant to this Order, and it is further

21 **ORDERED**, that the Claims Administrator is hereby authorized to discard paper or hard
22 copies of the Proofs of Claim and supporting documents not less than one year after the initial
23 distribution of the Net Settlement Fund to the eligible claimants and electronic or magnetic media
24 data not less than three years after the initial distribution of the Net Settlement Fund to the eligible
25 claimants; and it is further

26 **ORDERED**, that this Court retain jurisdiction over any further application or matter which
27 may arise in connection with this Action; and it is further
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1 **ORDERED**, that no claim submitted after October 10, 2007 may be accepted for any reason
2 whatsoever.

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4 DATED: October 29, 2007

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6 Hon. Roger T. Benitez
7 United States District Judge
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